

1 WHEREAS, on or about June 14, 2005, Plaintiff Jon Paul Sims ("Plaintiff" or "Sims")
2 filed this action in the Superior Court of California for the County of Sonoma, said case number
3 being 236894;

4 WHEREAS, on or about July 21, 2005, Defendant Metropolitan Life Insurance Company
5 ("MetLife" or "Defendant"), removed said action to the United States District Court for the
6 Northern District of California;

7 WHEREAS, on or about June 15, 2006, Plaintiff filed a Notice of Motion and Motion for
8 Leave to file a First Amended Complaint;

9 WHEREAS, said First Amended Complaint, among other things, seeks to add Michael B.
10 Bagley and Jeffrey A. Pfeiffer as named Plaintiffs, and to abandon their claims and those of
11 Plaintiff Sims under California Labor Code § 2802 and California Business and Professions Code
12 § 17200 for individualized out-of-pocket charges;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the
14 parties that:

15 1) Plaintiff shall file his First Amended Complaint. The proposed First Amended
16 Complaint attached hereto shall be and hereby is deemed filed and served on all parties as of the
17 date of this Stipulation and Order;

18 2) Plaintiffs' claims, including those of newly added party-plaintiffs Michael B. Bagley
19 and Jeffrey A. Pfeiffer, under California Labor Code § 2802 and California Business and
20 Professions Code § 17200 for individualized out-of-pocket charges (i.e. charges and/or expenses
21 outside of the Expense Allowance Plan ("EAP") of the Defendant) are hereby abandoned with
22 prejudice as to this litigation; and

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

28 / / /

1 3) MetLife shall not be required to further answer the First Amended Complaint, and all
2 denials, responses and affirmative defenses contained in the answer filed by MetLife to the
3 original Complaint will be, and are deemed responsive to the First Amended Complaint. MetLife
4 further expressly shall retain any and all rights and defenses, including to assert counterclaims
5 against Plaintiffs or to contest the validity of Plaintiffs' claims and/or their adequacy as
6 representatives of any putative class.

7
8 Dated: June 3, 2006

MORGAN, LEWIS & BOCKIUS LLP

9
10 By: Rebecca D. Eisen
11 Rebecca D. Eisen
12 Attorneys for Defendant
METROPOLITAN LIFE INSURANCE
COMPANY

13 Dated: June 29, 2006

THE EDGAR LAW FIRM

14 By: Donald S. Edgar Jeremy R. Fietz
15 Donald S. Edgar
16 Jeremy R. Fietz
17 Attorneys for Plaintiff
JON PAUL SIMS

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 07/06/06
20 Dated: June 2006

